

**Zoning Commission Meeting
January 4, 2012
ZC-02-11**

Members/Attendance:	X	Ron Massullo
	X	Jack Shetler
	X	Gene McCullough
	N/A	Joan Madej
	X	Tim Marucci
	X	Bob Barnhart
Also in attendance:	X	Bob Monus, Zoning Inspector
	X	Michele Richards, Recording Secretary

Ron Massullo called the meeting to order at 6:04 p.m.

1st Order of Business:

Case #ZC-02-11 – This meeting is a continuation of a prior meeting that was held on October 13, 2011, for a request by (Owner) Doug Susany, to rezone a parcel of land from an Agricultural (AG) District to a Business Park (BP) District. Parcel is located along the northeast corner of the Center Road – Quarry Road intersection and has a frontage of 1337.8’ along Center Road, and a frontage of 599.58’ along Quarry Road. Parcel is approximately fifteen (15) acres in size and is located in Poland Township, Mahoning County, and is known as parcel number 35-086-0-044.01-0, Lot 1.

Ron Massullo stated that this meeting is a continuation of the meeting held on October 13, 2011, regarding Case ZC-02-11. Massullo asked if there is any new information to be made aware of. Bob Monus stated that everything is the same, there has been no additional correspondence received with respect to any updated plans.

Ron Massullo asked if anyone from the public would like to speak in regard to this case. No one responds.

Massullo asked Monus if there was any other pertinent information that the Board should be made aware of. Monus stated that there has been no additional correspondence received or additional plans from Mr. Susany. Everything remains the same as it was in October at the previous meeting.

Massullo asked if there were any additional comments from the Board.

Jack Shetler stated that he made several trips to the location as well as reading the minutes several times. A list was generated of all property owners within one thousand (1000) feet of the property. The only person that attended the last meeting that was on that list was Rebecca Snyder. She owns two properties on Center Road. She was not bothered by the noise and was in favor of the zone change request. There were a lot of public comments made by people who were not on this list that live more than one thousand (1000) away from the site. According to his speedometer (which is not

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scientific), these people live approximately one-third (1/3) of a mile from the site on Quarry Road. There concerns were noise generated by the trucks, damage to the roads, and unsightliness. There were a lot of items brought up that this Board has no jurisdiction or control over. Shetler stated there is a sign on the street that states “no trucks allowed.” If trucks would travel on the road, they should be arrested because they are not permitted. As far as the unsightliness is concerned, the drawings show a line up of evergreen trees. The trees have not yet been planted. It was stated by Bob Monus that the Board can vote on this case with contingencies. Shetler would like to vote on this with the contingencies that Susany would have to plant the line of evergreen trees and to stop using Quarry Road as an entrance with heavy trucks to his property because he has installed an access road from Center Road (Route 224).

Gene McCullough stated he does not feel landscaping is within the Board’s authority. McCullough stated it is about zoning use and not what types of trees are planted.

Bob Barnhart stated he agrees with Jack and that he also drove to the site and it was four-tenths (4/10) of a mile from the corner to the first driveway right around from the Rod and Gun Club. He stated that he agrees if the trees were there they would hide or conceal the property. Barnhart stated that as far as the noise goes, there would probably be more noise generated from the Rod and Gun Club rather than Susany’s site because there is no construction done at that site. It is just equipment coming and going.

Tim Marucci stated that at the last meeting he suggested that Susany move the small building to the back of the property.

Ron Massullo asked if the access drive on Center Road is a proposed access drive or is actually there. Jack Shetler stated that the drive is graveled in. Massullo asked if Quarry Road is a county road. Bob Monus checked and the road is a township road. Massullo asked if any of the Board members know the condition of Quarry Road from the corner of Center Road to the access road that Susany is using on his property. Massullo asked if this section is any more worn than any other portion of the road that would lead back to the Rod and Gun Club. Shetler stated there are no visible signs of that section of the road being any more worn than the remainder of the road.

Gene McCullough stated that the issue is the zone change request from Agricultural to Business Park. It is not the concern of the Board as far as what is done with the buildings. The public comments were that they had no objection to what Susany was doing, and not about tearing down the buildings. The review of the Mahoning County Planning Commission found no objections and recommended the zone change. Massullo stated that the Board did not have the recommendation from the Planning Commission at the October 13 meeting. The recommendation was received the following day, on October 14, 2011.

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Massullo asked Monus if the Board can make a stipulation to the zone change request. Monus stated it has been done in the past through the Trustees and negotiations with attorneys that restrictions were placed on certain properties. Monus stated that the Board can make an amendment on a recommendation based on certain criteria and then the Trustees can honor the criteria, expand on it, or dismiss it.

Massullo asked Shetler if the amendment to be applied would be that the property owner adheres to the said plans, which include the pine trees as well as the chain link fence, which is shown on the site plan. Shetler stated yes to the trees, the chain link fence is to the property owner's advantage.

Massullo asked if there are any additional public comments.

**Sherri May
6214 Quarry Road**

May stated that the road has sign postings for no trucks and trucks should not be on it. Traffic has increased since the driveway was put in and also since the road was used as a detour for Route 224 several years ago. As far as the wear and tear, there is definitely a difference. May is concerned that once this zone change is approved, who is going to enforce the trucks not being permitted on the road? At the last meeting, Susany stated that the road was not being used for truck traffic. She does not feel Susany will comply. May is also concerned with additional changes that Susany stated he would like to make.

**Rosemary Kusky
6096 Quarry Road**

Kusky stated that the section of the road that the Board referred to earlier has been repaired. She stated that Susany has other properties that he can relocate his business to, rather than on a residential section.

Jack Shetler stated that if Susany would eliminate the Quarry Road entrance and use the access road on Center Road, which would take care of some of the concerns. Massullo stated he does not feel that is a function of this Board.

After some further discussion, the following motion was made:

Motion

Ron Massullo made a motion in Case ZC-02-11 to approve the request to rezone a parcel of land from an Agricultural (AG) District to a Business Park (BP) District with the following amendment: This zone change will adhere to the site plan as was included in the package submitted to the Mahoning County Planning Commission, as well as to our local zoning commission. Jack Shetler seconded the motion.

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Voting:

Yes	Ron Massullo
Yes	Jack Shetler
Yes	Gene McCullough
Yes	Tim Marucci
Yes	Bob Barnhart

Motion carried.

2nd Order of Business:

Reorganization of the Board.

Jack Shetler made a motion to nominate Gene Mc McCullough as Vice Chair of the Committee. Tim Marucci seconded the motion.

Tim Marucci made a motion to retain Ron Massullo as Chair of the Committee. Bob Barnhart seconded the motion. All members were in favor.

Motion carried.

3rd Order of Business:

Ron Massullo stated that the third order of business is to approve the minutes from the meeting held on October 13, 2011. Gene McCullough made a motion to accept the minutes from the October 13, 2011 meeting. Bob Barnhart seconded the motion. All members were in favor. Minutes approved.

Motion carried.

New Business:

Bob Monus stated that model language is needed in terms of post construction drawings. Massullo stated this would be addressed at the March meeting. Monus stated there are also some other housekeeping issues in terms of language that need to be addressed. Massullo asked Monus to compose a list of these items and these issues will also be addressed at the March meeting.

Old Business:

Gene McCullough stated that the Board did not address Susany's original request to amend the zoning resolution to include the intended usage of the parcel as a permitted use. McCullough wanted to be sure that it was noted that the Board did not make any

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addition to accept the present use as a permitted use. McCullough stated there is pending litigation as well as an EPA issue. Ron Massullo stated that is not a function of this Board to address.

Meeting adjourned at 6:57 p.m.

Submitted by:
Michele Richards/Recording Secretary

cc: Trustees (3)
Board of Zoning Appeals (7)
Zoning Commission (6)
J. Granitto (1)
File (1)